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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA  
AT ANCHORAGE

ALASKA RENT-A-CAR, INC.,	)	
an Alaska Corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CENDANT CORPORATION, et al.,	)	
	)	
Defendants.	)	Case No. 3:03-cv-29 [TMB]

**AFFIDAVIT OF JANA VANDERBRINK**

STATE OF ALASKA                     )  
  ) ss:  
THIRD JUDICIAL DISTRICT         )

I, JANA VANDERBRINK, being first duly sworn upon oath, deposes and says:

1. That I am a secretary in the law of Bankston Gronning O'Hara, P.C.
2. On January 3, 2007, at 4:08 p.m. I emailed defense counsel with the draft joint memorandum and stated "Mr. Givens would like to have your insert pursuant to his earlier email to you by January 4, 2007, so that we can file the attached memorandum with the Court on January 4 if possible."

3. On January 5, 2007, at 11:57 a.m., defense counsel, Scott McIntosh, emailed edits to the memorandum.

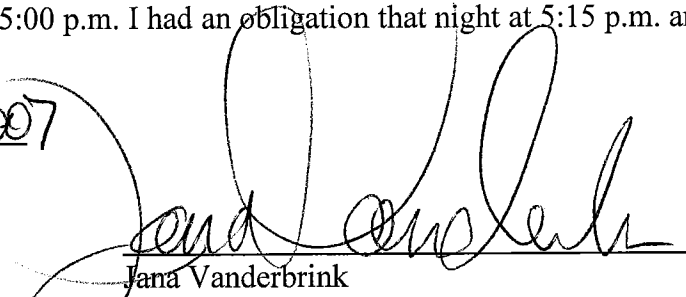
4. At 1:51 p.m. on January 5, 2007, Mr. McIntosh sent two pages of inserts. In editing and making changes to the joint memorandum, I inserted the defense counsel's two page insert into the document. Once the defense counsel's insert was placed, the font and type size had to be corrected. According to D.AK. LR 10.1(a)(1)[D] "all printed matter appear in at least 11-point type, ten-pitch (10 characters per inch) or 12-point proportionally-spaced font." The insert was in 11-point proportionally spaced font and the footnotes were in 10-point proportionally spaced font. Also, Mr. Givens dictated changes to be made to the other sections of the document over the phone. I also told Mr. Givens that it was too short of time to get the document sent by messenger to Diane Vallentine's office for signature and returned to us before 5:00 p.m. due to traffic and road conditions which were further compounded by snow.

5. At 4:07 p.m. on January 5, 2007, I forwarded the revised document to defense counsel.

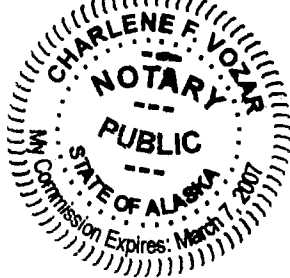
6. I filed the Joint Memorandum at 4:58 p.m. with the Court at Mr. Givens direction. We did not receive any further edits from the defendants prior to the filing deadline of 5:00 p.m. Friday, January 5, 2007.

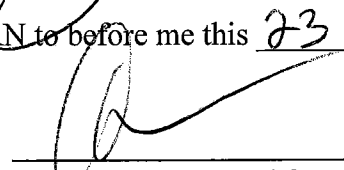
7. Our office closes at 5:00 p.m. I had an obligation that night at 5:15 p.m. and needed to leave the office at 5:00.

DATED: Jan. 23, 2007

  
Jana Vanderbrink

SUBSCRIBED AND SWORN to before me this 23 day of January, 2007.



  
Notary Public in and for Alaska

My commission expires: 3-7-07

**CERTIFICATE OF SERVICE**

I hereby certify that on January 23, 2007 a copy of foregoing Affidavit of Jana Vanderbrink was served electronically on Diane F. Vallentine and John F. Dienelt and on

Barry M. Heller  
DLA Piper US LLP  
1200 Nineteen Street NW  
Washington, DC 20036-2430

by regular U.S. Mail

s/Jon T. Givens

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